

SENATE BILL 236

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9lr1752
CF HB 73

By: **Senators Carter and Smith**

Introduced and read first time: January 25, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Jury Service – Qualification Criteria – Criminal Conviction or Charge**

3 FOR the purpose of increasing the minimum length of time of a certain criminal sentence
4 or potential sentence that disqualifies an individual from jury service; making
5 conforming changes; and generally relating to jury service qualifications.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 8–103 and 8–302
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2018 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Courts and Judicial Proceedings**

14 8–103.

15 (a) Notwithstanding § 8–102 of this subtitle, an individual qualifies for jury
16 service for a county only if the individual:

17 (1) Is an adult as of the day selected as a prospective juror;
18 (2) Is a citizen of the United States; and
19 (3) Resides in the county as of the day sworn as a juror.

20 (b) Notwithstanding subsection (a) of this section and subject to the federal
21 Americans with Disabilities Act, an individual is not qualified for jury service if the
22 individual:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- (1) Cannot comprehend spoken English or speak English;
- (2) Cannot comprehend written English, read English, or write English enough to complete a juror qualification form satisfactorily;
- (3) Has a disability that, as documented by a health care provider's prevents the individual from providing satisfactory jury service;
- (4) Has been convicted, in a federal or State court of record, of a crime by imprisonment exceeding [6 months] **1 YEAR** and received a sentence of for more than [6 months] **1 YEAR**; or
- (5) Has a charge pending, in a federal or State court of record, for a crime by imprisonment exceeding [6 months] **1 YEAR**.

(c) An individual qualifies for jury service notwithstanding a disqualifying condition under subsection (b)(4) of this section if the individual is pardoned.

13 8-302.

14 (a) In accordance with an agreement, if any, under § 8–213 of this title, a juror
15 qualification form in substantially the following form shall be provided to each prospective
16 juror:

Juror Qualification Form

Name:

Resident address:

Telephone: (home) _____ (work) _____ (cellular) _____

Age: _____ Date of Birth: _____

If you are over 70 years of age, do you wish to be exempted from jury services?
____ Yes ____ No

U.S. Citizen? Yes No

Able to comprehend, read, speak, and write English? Yes No

Highest level of education completed:

high school college graduate school other

Occupation of prospective juror: _____

1 Name of employer: _____

2 Occupation of spouse, if any: _____

3 Disability preventing satisfactory jury service? ____ Yes ____ No

4 Do you want an accommodation under the federal Americans with Disabilities Act?
5 ____ Yes ____ No

6 Pending charge for a crime punishable by imprisonment exceeding [6 months] 1
7 YEAR? ____ Yes ____ No

8 Conviction of crime punishable by imprisonment exceeding [6 months] 1 YEAR and
9 received a sentence of imprisonment for more than [6 months] 1 YEAR and not
10 legally pardoned? ____ Yes ____ No

11 Date of Conviction _____

12 _____ Elected official of the federal Legislative Branch, as defined in 2 U.S.C. § 30a.

13 _____ Active duty member of armed forces exempted in accordance with 10 U.S.C. §
14 982.

15 _____ Member of Maryland's organized militia exempted in accordance with Public
16 Safety Article § 13–218.

17 Prior jury service within 3 preceding years: _____

18 Form completed by me ____ Another (name) ____ and, if another, why?

19 Under the penalties of perjury, the responses are true to the best of my knowledge

20 Signed: _____

21 Prospective Juror

22 Individual completing form for prospective juror:

23 This form must be completed, signed, and returned to the jury commissioner within 10 days
24 after receipt. Documentation for excusal due to disability, exemption based on armed forces
25 or militia service, pardons, and/or prior jury service must be attached.

26 (b) A juror qualification form for a county may include other questions as the
27 county's jury plan requires.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

SENATE BILL 236

1 October 1, 2019.